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In re Application of
COWPER, Brian E.
Application No.: 10/009,435
PCT No.: PCT/GB01/00735
Int. Filing Date: 22 February 2001
Priority Date: 11 March 2000
Attorney's Docket No.: MA83-002
For: LOCK

DECISION ON
MATTERS ARISING
UNDER 35 U.S.C. 371

The above-identified application is before the PCT Legal Office for consideration of issues arising under 35 U.S.C. 371. No fee is required.

BACKGROUND

On 22 February 2001, applicant filed international application PCT/GB01/00735 claiming priority to a British patent application filed 11 March 2000. A Demand was not filed with the International Preliminary Examination Authority. Accordingly, the deadline for submission of a copy of the international application and payment of the basic national fee expired twenty months from the priority date, *i.e.*, 11 November 2001.

Applicant filed a transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371 via Express Mail which was accompanied by, *inter alia*, the basic national fee and an executed declaration in compliance with 37 CFR 1.497. The date of receipt for the papers was stamped by the USPTO as 09 December 2001.

DISCUSSION

Any correspondence received by the Patent and Trademark Office delivered by "Express Mail" will be considered filed in the office on the date of deposit with the USPS. See 37 CFR 1.10(a).

A review of the transmittal letter submitted with the national stage papers reveals that the "Certification Under Section 1.10" ("Certification") on the transmittal letter indicated a date of deposit with the USPS as 09 November 2001. In addition, the Express Mail No. "EL844052935US" was listed in the Certification and it was signed by Nicole Nielsen.

Furthermore, a review of the USPS Track/Confirm records for Express Mail No.

"EL844052935US" indicates that it was accepted by the USPS on 09 November 2001 at 4:30 p.m. in Spokane, WA.

CONCLUSION

Pursuant to 37 CFR 1.10(a), the date of receipt of the national stage papers will be amended to indicate a date of receipt as the date of deposit with the USPS, *i.e.*, 09 November 2001.

Applicants have completed the requirements for acceptance under 35 U.S.C. § 371(c). The application has an international filing date of 22 February 2001, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of **09 November 2001**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



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